

Appl. No. 10/772,832
Reply Dated January 31, 2006
Reply to Office Action of November 1, 2005

Docket No. CM05200H
Customer No. 22917

REMARKS/ARGUMENTS

Claims 1-12 remain in this application. Claim 3 has been withdrawn. Claims 1, 8, and 12 have been amended to more clearly specify Applicants' invention.

In the Office Action dated November 1, 2005, Claims 1-12 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by USPN 5,570,366 (Baker).

MPEP § 2131 provides:

A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F. 2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim

As required by MPEP § 2131, the cited art does not teach or suggest the claims (as amended). Applicants' claims require "receiving an internet group management protocol (IGMP) ... message" and such a limitation is missing from the cited art. On page 3 of the Office Action, the Examiner asserts that "Baker et al. further teach ... detecting Internet Group Management Protocol messages." It is noted that the Examiner's reliance upon Baker appears to be misplaced.

Described by Baker is a broadcast/multicast filtering method where unneeded messages are not forwarded to a wireless network. Baker, abstract. In Baker, messages are filtered at an

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access point based upon comparing the MAC or hardware address of the received frame with MAC or hardware addresses in a table stored in the access point. Baker, Fig. 8; col. 5, lines 1-3. Specifically, Baker teaches using the NetBios and TCP/IP protocols to look at packets of information on the wired LAN to determine whether the information is to be passed by the access point to the wireless LAN. Baker, col. 5, lines 51-54; col. 6, lines 7-8. Nowhere does Baker teach, either expressly or inherently, "receiving an internet group management protocol (IGMP) ... message".

The Examiner appears to be stating that Baker's disclosure of TCP/IP is the same as Applicants' claimed element of "internet group management protocol (IGMP) message". This is not true. Baker only describes utilizing TCP/IP, not IGMP. The claims require IGMP. As is known to one of ordinary skill in the art, IGMP is a management protocol that is implemented by certain IP hosts to manage the membership of Internet Protocol multicast groups. As is known to one of ordinary skill in the art, IGMP requires IP, but the converse is not true. Thus, the mention of IP does not imply the requirement of IGMP. As such, the Examiner should not read the limitation to "IGMP" by Baker's teaching of TCP/IP. Therefore, the limitations to "receiving an internet group management protocol (IGMP) ... message" are missing from the Baker reference. Since such limitations are missing from the Baker reference, a rejection of Claims 1-12 under 35 U.S.C. § 102(b) is improper and should be withdrawn.

The Applicants believe that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicants. In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney or agent at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

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Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

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Attachments